

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1583 of 1996

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE G.D.KAMAT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SANTOSHKUMAR MOTIRAM

Versus

STATE OF GUJARAT

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Appearance:

THROUGH JAIL for Petitioner  
Mr.M.R. Anand, PUBLIC PROSECUTOR, with L.R. Pujari,  
Addl. P.P., for Respondent No. 1  
SERVED for Respondent No. 3

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CORAM : THE CHIEF JUSTICE G.D.KAMAT

Date of decision: 10/12/96

ORAL JUDGEMENT

Prisoner Santoshkumar Motiram prayed for his release on furlough, which was due to him in May, 1996. The Prison Authorities, it appears, were inclined to grant the furlough, but the applicant could not furnish surety. The Police report, when sought, was also adverse against the petitioner, in as much as, it stated that

there is an apprehension of breach of peace in the event petitioner is released at Surat, where the offence had taken place. The applicant is, admittedly, convicted under Section 302 of IPC and sentenced to suffer imprisonment. In my view, the grievance can hardly be now entertained in the matter of furlough having become due in 1996. We are at the end of the year 1996 and it is open to the petitioner to apply for furlough in the coming year and the Jail authorities are directed to consider his application with due sympathy having regard to the Rules in the field. Application accordingly is disposed of. Rule is discharged.

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(apj)